

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

ROBERT VELASQUEZ, JR.,
MIGUEL ANGEL ORDAZ,
DANIEL GEORGE RENTERIA,
ALEX GARCIA, JR.,

Defendants.

Case No. 10-CR-329-7-F
Volume V of XX
(Pages 1 through 105)

Cheyenne, Wyoming
October 3, 2011
2:32 p.m.

TRANSCRIPT OF TRIAL PROCEEDINGS

BEFORE THE HONORABLE NANCY D. FREUDENTHAL
CHIEF UNITED STATES DISTRICT JUDGE

and a jury of twelve and two alternates

Court Reporter: MRS. MARGIE R. DAUSTER, RPR, CRR
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Proceedings recorded by mechanical stenography, transcript
produced with computer.

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P R O C E E D I N G S

(Trial proceedings reconvened
2:32 p.m., October 3, 2011.)

(Following out of the presence of the jury.)

THE COURT: We're here in the continuation of the
jury trial in United States of America versus Robert
Velasquez, et al., Docket 10-CR-329.

I have received a copy of Defendants Velasquez and
Garcia's motion for mistrial. Either Mr. Horn or
Ms. Higham.

MR. HORN: Your Honor, I guess I've been
designated. After the court -- after 4:30, or thereabouts,
on Friday, Your Honor, I was heading south, and I got a call
from the marshal's office, Mr. Jason Griess, telling me that
my client wanted to talk to me. And so I turned around and
came back, went to the marshal's office, and was advised
that -- from some of the deputies that my client and
Mr. Renteria were --

THE COURT: Mr. --

MR. HORN: I'm sorry. I'm sorry. Alex Garcia, I
apologize. -- were handcuffed in the elevator, Judge, and
were facing the back of the elevator, hands cuffed behind
their back. And my client advised me that there was some
problem with the opening and closing of the elevator doors.
One of the marshals was attempting to do that.

1 My client turned around, saw two or more jurors
2 walking down the hallway. He believes that this is
3 prejudicial to him and to his co-defendant. The motion for
4 the mistrial, Judge, was -- has been filed. I'm not going
5 to rehash it all.

6 But, basically, the case law indicates that,
7 briefly, the visible restraints -- the use of visible
8 restraints is prejudicial in nature and almost inevitably
9 affects adversely the jury's perception of the character of
10 the defendant, citing *Zant, Z-a-n-t, v. Stephens,*
11 *S-t-e-p-h-e-n-s.*

12 THE COURT: Was that an inadvertent view of the
13 defendants in restraints, or was that --

14 MR. HORN: The *Zant* case, Judge?

15 THE COURT: Beg your pardon?

16 MR. HORN: The *Zant* case or this case?

17 THE COURT: Well, the case you're citing to me.

18 MR. HORN: Judge, I don't know. I'm sorry. I
19 don't know.

20 THE COURT: Okay.

21 MR. HORN: I just got -- our paralegal put this
22 stuff together, and I only had an opportunity to read it
23 this afternoon, Judge. For that I apologize.

24 But, basically, my client -- and I'll let
25 Ms. Higham speak for Mr. Garcia. But they feel that

1 they've -- that their case is prejudiced if, in fact, the
2 jurors did see them in handcuffs, given the case law that
3 I've seen, Judge.

4 And even looking at Mr. Murray's comments, he
5 does -- he does cite some cases which would indicate this
6 circuit is joining a number of other circuits, has upheld
7 the principle that in the absence of a showing of prejudice,
8 a fleeting glance by jurors of a defendant outside the
9 courtroom in handcuffs does not justify a new trial.

10 The case of *U.S. v. Simpson*, which is somewhat in
11 Mr. Murray's comments, that was after the case. The trial
12 was over at that point, Judge. And the point is that we
13 really can't let this go to the end of the trial and say,
14 well, you know, we should have told you, Judge, and we want
15 a motion for a mistrial because of this incident.

16 I'm not suggesting it was the fault of the
17 marshals. We don't even know if the jurors saw the clients
18 with their handcuffs on. I understand that one of the --
19 one of the marshals is available to testify as to what he
20 saw. Perhaps we ought to get into that and see what
21 actually happened because I wasn't there. Any questions,
22 Your Honor?

23 THE COURT: No. Thank you, Mr. Horn.

24 MS. HIGHAM: Your Honor, if I may just make a few
25 remarks on behalf of Mr. Garcia. I was not contacted by the

marshals. I was contacted by Mr. Horn and then had a subsequent conversations with Mr. Garcia. The -- the argument that it was an inadvertent glance, I think, loses a lot of its weight in this issue.

THE COURT: I don't think we even have evidence that anyone besides Mr. Velasquez glanced. Do we have any evidence at all that a juror saw either Mr. Garcia or Mr. Velasquez in restraints?

MS. HIGHAM: I'll just tell you what Mr. Garcia related to me. That he did hear jurors talking in the hallway. Mr. Garcia heard -- looked over his shoulder, because his back was facing the elevator doors, as they opened, with his -- with his hands cuffed behind him. And he -- he was able to identify two of the jurors and describe them to me that he saw as they walked past.

THE COURT: I don't think that answers my question. But I guess if we go to the facts of this, I suspect we can either hear from the marshals or the defendants.

MS. HIGHAM: Okay. Thank you, Your Honor.

THE COURT: Mr. Fun or Mr. Murray?

MR. FUN: May it please the Court, good morning. Good afternoon actually, Your Honor. I think the real issue in this case -- there are a couple issues, I think, that need to be addressed.

One is whether or not there was an intentional

1 showing of the -- the defendants in handcuffs or whether it
2 was unintentional, if that were the case.

3 I think the cases that Mr. Horn cites relate to the
4 defendants appearing at trial in shackles versus being
5 transported or in the hallway type of situation. I think in
6 this particular case, the controlling law is Tenth Circuit
7 cases, specifically *U.S. v. Jones* at 468 Federal 3rd 704, as
8 well as *United States v. Ware*, 897 Federal 2nd 1538, a 1990
9 Tenth Circuit case.

10 And, basically, what those cases stand for is the
11 general proposition that a juror's brief view of a defendant
12 in shackles does not automatically qualify as a due process
13 violation that would result in a mistrial. The cases
14 clearly indicate that such an incident must be -- must
15 result in prejudice to violate due process, and the burden
16 is on the defendant to show such prejudice.

17 *United States v. Ware* goes on to talk about joining
18 other circuits in such a circumstance and has upheld the
19 principle that in the absence of a showing of prejudice, a
20 fleeting glance by jurors of a defendant outside the
21 courtroom in handcuffs does not justify a new trial.

22 Moreover, this court requires a defendant who
23 complains of a juror seeing him in restraints show actual
24 prejudice.

25 So I think the court is correct. We don't have any

1 facts at this point. I mean, what we know is some
2 allegations that -- that the defendants seem to raise,
3 perhaps self-serving, that they were in handcuffs and that
4 the elevator doors wouldn't close and jurors were walking
5 by. But there's no evidence on the record at this point to
6 suggest that the jurors even saw them or even saw them in
7 handcuffs, as the case may be.

8 It's my understanding that Deputy U.S. Marshal
9 Robert MacMaster was present and probably can tell us a
10 little bit more in terms of the circumstances and facts to
11 help flesh this out.

12 THE COURT: Thank you. Did -- did you want to call
13 the marshal? Did you want to call a member of the marshals?

14 MR. FUN: Yes, Your Honor.

15 THE COURT: All right. Why don't you. If you
16 could -- thank you.

17 (Witness sworn.)

18 THE CLERK: Can you please state and spell your
19 name for the record.

20 THE WITNESS: Robert MacMaster, M-a-c-M-a-s-t-e-r.

21 ROBERT MacMASTER,
22 having been first duly sworn, was examined and testified as
23 follows:

24 DIRECT EXAMINATION

25 Q. (By Mr. Fun) Sir, you're a Deputy U.S. Marshal

1 here in the Cheyenne courthouse?

2 A. Correct.

3 Q. And how long have you been with the U.S. Marshals?

4 A. A little over three years.

5 Q. Sir, you've been, obviously, hearing us talk about
6 this incident. What can you tell us about it?

7 A. As was stated before, when we recessed trial on
8 Friday, we were transporting or moving the prisoners from
9 the courtroom to our secure location downstairs, our
10 cellblock. We used the elevator to -- to transport
11 prisoners. And as we stepped on with two of them, the
12 elevator malfunctioned. It didn't stay closed, and it
13 popped back open.

14 At that time jurors had been released and were
15 walking down the hallway that passes the opening of the
16 elevator.

17 Q. Okay. Now, there's, obviously, three elevators in
18 the hallway. Which elevator was it?

19 A. I think he might be referring to the main public
20 elevators. What we do is take prisoners in a back hallway
21 that's behind the courtrooms, and there's a single elevator
22 there.

23 Q. Okay. Now, when you say that the -- there was a
24 malfunction and the doors popped open, how long were the
25 doors open?

1 A. Seconds. Less than four. It was a series of
2 opening and closing though. We hit a series of buttons
3 that, you know, the elevator is supposed to close. It
4 popped back open. We hit the button that would allow the
5 elevators to close, and it popped back open again. So
6 altogether, I would say it was open for four to five seconds
7 at a period of time where it should have been closed.

8 Q. I understand. Now, you mentioned that some jurors
9 passed the opening. Do you know which jurors passed that
10 opening?

11 A. I could identify one if I saw him.

12 Q. Okay.

13 A. I mean, obviously, I don't know names or numbers.

14 Q. Do you know how -- approximately how many jurors
15 had passed that opening?

16 A. It was about three or four.

17 Q. Do you recall if any jurors looked into the
18 elevators?

19 A. I didn't see any of them turn their head.

20 Q. Do you recall if any -- you heard any comments as
21 the jurors passed by?

22 A. I don't. I was more concerned with my job at that
23 point.

24 Q. Okay. Now, when prisoners are put in the elevator,
25 can you explain where people are standing and how they're

1 standing in the elevator?

2 A. Sure. Generally, you know, we make the prisoners
3 face the back wall.

4 Q. Okay.

5 A. Deputies or secur -- court personnel will be at the
6 front of the elevator closer to the door so they can
7 function the keypads and . . .

8 Q. Okay. And how many -- how many court security
9 personnel do you have in the elevator in this particular --
10 let me rephrase that question.

11 In this particular case, you had two prisoners in
12 the elevator. How many marshals or court security were on
13 the elevator at the same time?

14 A. There were two inside the elevator and one outside
15 of the elevator.

16 Q. Okay. Where was the person that was outside the
17 elevator standing?

18 A. I'm not sure because my view was obstructed by the
19 elevator walls.

20 Q. Okay.

21 A. I'm not sure which side he was on.

22 Q. And can you please tell us where the two court
23 security personnel were standing in the elevator?

24 A. In opposite corners. I mean, I was on one corner
25 near the keypad.

1 Q. Okay.

2 A. The other deputy was on the other side near the --
3 the buttons that function the elevator, as far as your floor
4 choice and your open and close buttons.

5 Q. Okay. Would there have been anyone standing
6 directly behind any of the prisoners as the doors were being
7 opened?

8 A. It's a small enough elevator that you -- you could
9 say that both of us were standing directly behind the
10 defendants.

11 Q. Other than that single occasion, were there any
12 other occasions where this has happened in this case?

13 A. No, sir.

14 Q. And where are the defendants handcuffed at the time
15 they were being transported?

16 A. Behind their back.

17 Q. Other than the handcuffs, are there any other
18 shackles or belly chains on them?

19 A. No.

20 Q. Okay. So just merely handcuffs?

21 A. Correct.

22 Q. Do you recall seeing either Robert Velasquez or
23 Alex Garcia looking over their shoulders?

24 A. I know that Mr. Velasquez for sure looked over his
25 shoulder. I'm not sure about Mr. Garcia. Mr. Velasquez was

1 closer to me in the elevator. That's why I had a better
2 view of him.

3 MR. FUN: Just a moment, Your Honor.

4 THE COURT: Thank you.

5 (Discussion off the record.)

6 Q. (By Mr. Fun) Deputy MacMaster, can you please
7 describe for us, how wide is the opening to this elevator?

8 A. 4 to 5 feet. 5 feet.

9 Q. And were there any court security or court
10 personnel directly in the line between the defendant and the
11 doorway as the jurors passed by?

12 A. Yes.

13 MR. FUN: Thank you. I have nothing further, Your
14 Honor.

15 CROSS-EXAMINATION

16 Q. (By Mr. Horn) Deputy MacMaster, assuming that a
17 person or a juror walking by the elevator during this
18 process, would they have the ability, while those doors were
19 open, to see either Mr. Garcia or Mr. Velasquez with the
20 handcuffs behind their back?

21 A. Yes.

22 Q. And you conceded that Mr. Velasquez looked over his
23 shoulder at the time that the jurors were walking by?

24 A. At the time they walked by, I'm not sure. At some
25 point during this event, Mr. Velasquez looked over his

1 shoulder. He was able to identify jurors.

2 Q. How long were the doors actually opened; do you
3 know?

4 A. As I said earlier, four or five seconds.

5 Q. Certainly enough time to turn around and look, see
6 someone walking by?

7 A. Right. But can I qualify that?

8 Q. Sure.

9 A. They were open for four to five seconds. That's
10 not the amount of time it took those people to walk by. I
11 mean, that was probably a mere second or two.

12 Q. Do you remember how many jurors were actually
13 walking by?

14 A. It was three to four. I'm not sure.

15 Q. Recognize the -- whether they were male or female?
16 I know we have a preponderance of female jurors.

17 A. I definitely saw a female. I don't know which one.
18 And definitely saw a male. And that's the one I could
19 identify if I saw him.

20 Q. Did you follow the same procedure that you do in
21 any jury case where there are defendants in custody?

22 A. Yes.

23 MR. HORN: Can I have a moment, Your Honor?

24 Q. (By Mr. Horn) Deputy MacMaster, is it your custody
25 in this building to make sure the jury is gone before they

1 transport the prisoners with handcuffs?

2 A. Solely mine, no. We work in conjunction with the
3 clerk's office --

4 Q. Okay.

5 A. -- to ensure that jurors are where we think they
6 are.

7 Q. Okay. Wouldn't it be a better practice to check
8 with the court clerk and find out if the jury room is in
9 fact empty before you start moving prisoners?

10 A. That occurred.

11 Q. I'm sorry?

12 A. That occurred.

13 Q. That occurred?

14 A. Yes, sir.

15 Q. You were told that they were all gone?

16 A. Verbally, no. The clerk made eye contact with the
17 deputy marshal. I think a series of thumbs-up were given
18 which, you know, to us means the jury is gone, you can go
19 ahead and move the prisoners.

20 We did so. The elevator malfunctioned. We should
21 have been moving -- you know, the elevators should have been
22 closed and moving. It didn't. And here we are.

23 Q. Were Mr. Velasquez and Mr. Garcia, were they the
24 first group to go or the second group; do you know?

25 A. They were the second group.

1 Q. Second group. So there was a time lapse,
2 obviously, between the first group and the second group.

3 A. Correct.

4 Q. How long would it take -- how long did you have to
5 wait for the elevator?

6 A. You know, that elevator is not the quickest, so it
7 was quite a few minutes. For it to cycle, you know, to go
8 down to the first floor, unload prisoners and come back up,
9 it's probably a good four or five minutes.

10 Q. And for that time frame, where were Mr. Garcia and
11 Mr. Velasquez?

12 A. In what we call the man trap. And it's a -- sort
13 of a hallway between our cell block and the public hallway.

14 Q. So they were -- you and the two clients were not in
15 the hallway at that point?

16 A. Correct. We were not in the public hallway.

17 MR. HORN: All right. That's all I have, Your
18 Honor.

19 THE COURT: Thank you.

20 MR. FUN: I have nothing further, Your Honor.
21 Thank you.

22 THE COURT: Thank you, Marshal.

23 MR. FLEENER: Your Honor, for the record,
24 Mr. Renteria joins that motion for mistrial.

25 THE COURT: On what basis?

MR. FLEENER: On the basis that prejudice to two is prejudice to four. That if all four of these defendants are in a room sitting at a table together, that even if -- that if Mr. Garcia and Mr. -- Mr. Velasquez -- I apologize -- Mr. Velasquez are prejudiced, then jurors could reasonably assume that these particular witnesses are also shackled and together.

MR. TIMBERS: Your Honor, Mr. Ordaz joins.

THE COURT: For the same reasons or any others?

MR. TIMBERS: For the same reasons articulated by Mr. Fleener. Thank you, Your Honor.

THE COURT: Thank you. Anything further on this matter?

MR. FUN: I don't believe so from the United States, other than I think the obvious is that Mr. Fleener's client and Mr. Timber's client, obviously, don't have standing to raise the issue. Nonetheless, even if they did, I don't think it's an issue worthy of much note given the facts.

THE COURT: Thank you. Based on the cases cited, as well as *United States vs. Johnson*, which I'm not sure was referenced by the prosecutor, that's at 911 F.2d 1394, this circuit has held consistent with other circuits, that a juror's fleeting and inadvertent glance of a defendant in handcuffs does not warrant a mistrial.

1 The court would suggest a curative jury
2 instruction. We're in a bit of a difficult situation
3 because we don't know whether any jurors actually did see
4 the defendants in handcuffs. I'll note one for your
5 consideration, and we can discuss it further at the
6 instruction conference.

7 If the defendants request a curative jury
8 instruction, I would suggest something along the lines of
9 the following: The jury should not -- should make no
10 inferences from or speculate about the presence of the U.S.
11 marshals in this courtroom or any other visible security
12 measures in this case. You must not consider this fact in
13 deciding the issues in this case. It is not evidence in the
14 case and should not be discussed by you in your
15 deliberations. It has no bearing on defendants' guilt or
16 innocence.

17 At the time of the instruction conference we can
18 discuss the basis for that curative jury instruction, which
19 has been revised given our lack of understanding about the
20 facts. I believe it would be more prejudicial to inquire
21 about whether anyone saw anything than to leave the matter
22 lie.

23 I certainly believe that the presence of the
24 marshals in the courtroom, if no one saw anything, would be
25 an innocent enough and perhaps appropriate jury instruction

1 in this case nonetheless.

2 I'll, as I mentioned, let defense counsel
3 deliberate on that. It will be the defense counsel's
4 responsibility to inform the court as to whether any of the
5 defense wants a curative jury instruction, and then we can
6 work on its actual text to arrive at something that's,
7 hopefully, suitable to everyone.

8 MR. HORN: Your Honor, on behalf of Mr. Velasquez,
9 two things. One, we just want to be sure that the motion
10 will be filed -- is going to be filed with the court. We
11 gave it to the various persons. I'm not sure that it's
12 actually on the docket right now, Judge. If it's not, I'll
13 take care of getting it there.

14 Secondly, we just want a continuing objection, Your
15 Honor, to your ruling on this issue.

16 THE COURT: So noted.

17 MR. HORN: Thank you, Your Honor.

18 THE COURT: Thank you. And that's noted as to all
19 the defendants.

20 MR. FLEENER: Your Honor, may I briefly address
21 another issue?

22 THE COURT: Yes.

23 MR. FLEENER: I was informed by my client yesterday
24 or Friday that the marshal service was taking photos of them
25 at the behest of the United States. I don't know what the

1 photos are being used for. We would object to the marshal
2 service taking photos at the request of the United States,
3 and I -- my client said he wasn't going to allow his photo
4 to be taken. I think he has a right not to allow his photo
5 to be taken.

6 But I would ask the court to tell the United States
7 to please, if they have something like that, to -- I think
8 it needs to be -- to have an order from the court or the
9 consent of the defense counsel. I don't think you can just
10 have the marshal service running around taking photos of our
11 guys.

12 I don't know what it's used for. I don't know if
13 they're going to put them in the big book or if it's used
14 for something else, but it came up.

15 THE COURT: In terms of the court's intention for
16 jury deliberations is that none of the defendants' photos
17 would need to be included in that book. They're here.
18 They're not likely to be forgotten.

19 MR. FLEENER: Well, that was our understanding too.
20 That's why we were caught off guard when the photos were
21 being taken. I don't know what they were being taken for.

22 THE COURT: Thank you, Mr. Fleener.

23 MR. HORN: Your Honor, Mr. Velasquez was
24 photographed.

25 MR. TIMBERS: As was Mr. Ordaz. And I just don't

1 know the purpose of it. I -- I -- thank you.

2 MR. FLEENER: I'd ask the court to inquire of the
3 United States why they had the marshal service take our
4 clients' photos.

5 MS. HIGHAM: Mr. Garcia as well, Your Honor.

6 THE COURT: Thank you. Mr. Fun?

7 MR. FUN: Your Honor, well, a couple things. One
8 is that the image of a person is not protected as a privacy
9 matter issue. So I don't think that's much of an issue.
10 The only thing I did was I asked the U.S. marshals if they
11 had current photographs of the defendants. They indicated
12 they did not. I said, okay, it's not a problem. I just was
13 curious if they did.

14 And then, apparently, they took current photographs
15 of the defendants. And that's it. The only thing I did
16 note was that at least in one particular case, Mr. Fleener's
17 client, he has altered his appearance between the time he
18 was arrested and, obviously, several months ago and today at
19 trial. Primarily, he has now full facial hair as well as
20 hair on the top of his head now.

21 So it was mainly for purposes of if we need to
22 bring up those issues relative to trial and have comparing
23 photos, to some degree, of the defendant's appearance now
24 versus later or prior when the witnesses saw him.

25 But I don't think it's going to be an issue, Your

1 Honor.

2 THE COURT: Thank you, Mr. Fun.

3 MR. FLEENER: You don't compare photos, judge. If
4 the witness looks different than --

5 MR. MURRAY: Your Honor, if I can just
6 short-circuit this real quick. It's my understanding, in
7 talking to the case agent, and Mr. Fun can correct me if I'm
8 wrong --

9 THE COURT: I'm sorry. I couldn't hear you when
10 you had your head turned.

11 MR. MURRAY: It's my understanding, talking to the
12 case agent and Mr. Fun, that none of the potential witnesses
13 have seen these photos at all, and we're not going to be
14 showing them to them at all. It won't be an issue.

15 THE COURT: Thank you. Thank you for bringing that
16 to the court's attention. It's the court's understanding
17 that the government has no intent at this point to use the
18 photos. And if that changes, I'd ask the government to
19 advise the court. Anything else before we bring the jury
20 in? No? All right. Thank you. Please stand for the jury.

21 (Following in the presence of the jury.)

22 THE COURT: Please be seated. We're here in the
23 continuation of the jury trial in Docket Number 10-CR-329.
24 I have to admit, I'm not sure -- were we concluded with
25 Special Agent Herrmann?

1 MR. FUN: May it please the court, yes, ma'am, we
2 were.

3 THE COURT: And if I forgot or neglected to advise,
4 he's released from his subpoena, and you may call your next
5 witness.

6 MR. FUN: Thank you, Your Honor.

7 THE COURT: Thank you.

8 MR. FUN: Counsel.

9 MR. FLEENER: Counsel.

10 MR. FUN: Good afternoon.

11 THE COURT: Oh, before that, I would note the
12 presence of the jury with roll call waived. Thank you.

13 MR. FUN: The United States now calls Lisa Riggs to
14 the stand.

15 (Witness sworn.)

16 THE CLERK: Please take a seat. State and spell
17 your name for the record.

18 THE WITNESS: Lisa Riggs, L-i-s-a R-i-g-g-s.

19 LISA RIGGS,
20 having been first duly sworn, was examined and testified as
21 follows:

22 DIRECT EXAMINATION

23 Q. (By Mr. Fun) Ms. Riggs, have you testified in
24 court before?

25 A. No, sir.

1 Q. Okay. I know you're a little nervous, so try to
2 relax. Let's just first tell the jury about your background
3 a little bit. Where did you grow up at?

4 A. Wyoming.

5 Q. And what education level have you achieved?

6 A. Some college.

7 Q. Are you married?

8 A. No, sir.

9 Q. Do you have any children?

10 A. No, sir.

11 Q. How old are you?

12 A. 22.

13 Q. Have you been convicted of any felony crimes?

14 A. No, sir.

15 Q. Have you been convicted of any crime, whether it be
16 felony or misdemeanor, involving false statements?

17 A. No, sir.

18 MR. FLEENER: Objection. He's bolstering the
19 witness.

20 MR. FUN: It's proper, Your Honor.

21 THE COURT: Overruled. Please proceed.

22 Q. (By Mr. Fun) For false statements?

23 A. No, sir.

24 Q. Perjury?

25 A. No, sir.

1 Q. Check fraud?

2 A. No.

3 Q. Anything of that nature?

4 A. No.

5 Q. Now, madam, have you been promised anything for
6 your testimony here today?

7 A. No, sir.

8 Q. Have you been paid anything for your testimony?

9 A. No, sir.

10 Q. Have you been granted any type of immunity for your
11 testimony?

12 A. No.

13 Q. Are you pending any charges?

14 A. No.

15 Q. Okay. Now, let's turn to a little bit about
16 your -- your drug use. Have you used controlled substances
17 or illegal drugs in your life?

18 A. Yes, sir.

19 Q. What type of drugs have you used?

20 A. Marijuana.

21 Q. Anything else?

22 A. Cocaine and ecstasy and mushrooms.

23 Q. Have you ever used any methamphetamine?

24 A. No, sir.

25 Q. What was the first drug you used?

1 A. Marijuana.

2 Q. And how old were you?

3 A. Maybe seventh or eighth grade.

4 Q. Is there a drug that you prefer to use?

5 A. In the past, marijuana.

6 Q. How did you use marijuana?

7 A. I would smoke it.

8 Q. When was the last time you used marijuana?

9 A. The fall of 2009.

10 Q. How old were you then?

11 A. 19, I think.

12 Q. Have you received any type of treatment for
13 controlled substances, drug treatment?

14 A. No.

15 Q. When you were using marijuana, did you ever suffer
16 any memory loss?

17 A. I don't think so. No.

18 Q. How about any blackouts?

19 A. No.

20 Q. Hallucinations?

21 A. No.

22 Q. Ms. Riggs, were you, at a point in time, a
23 confidential informant?

24 A. Yes.

25 Q. How did you become a confidential informant?

1 A. I was pulled over and ticketed. And the officer
2 asked me if I wanted to meet with Officer Hall the following
3 day to talk to him about some stuff.

4 Q. Did you meet with Officer Hall?

5 A. Yes, sir.

6 Q. Do you recall when that was?

7 A. In the fall of '09. Maybe October.

8 Q. Now, had you ever been a CI before?

9 A. No, sir.

10 Q. Was this the only case where you were a
11 confidential informant?

12 A. Yes, sir.

13 Q. The time you became a confidential informant, did
14 you have any charges pending against you?

15 A. Yes.

16 Q. And what was that for?

17 A. Possession of marijuana.

18 Q. And how much marijuana?

19 A. I don't remember the exact amount.

20 Q. Do you remember if it was a felony amount or a
21 misdemeanor amount?

22 A. A misdemeanor.

23 Q. Why did you become a confidential informant?

24 A. Because the decisions I was making weren't great,
25 and I needed to get away from that.

1 Q. Tell me about the process that you went through to
2 become a confidential informant, in brief.

3 A. What do you mean?

4 Q. You met with Agent Hall?

5 A. Yes.

6 Q. Tell us what happened.

7 A. I met with Officer Hall, and we discussed my
8 personal use. We discussed people that I had been using
9 with, things of that nature.

10 Q. Did there come a point in time where you signed an
11 agreement to become a CI?

12 A. Yes.

13 Q. Do you recall anything about that agreement?

14 A. It said -- I signed not to violate any laws, not to
15 discuss it, things like that.

16 Q. After you signed this agreement, what happened
17 next?

18 A. What do you mean?

19 Q. You signed the agreement. Did there come a point
20 in time when you actually conducted controlled purchases --

21 A. Yes.

22 Q. -- of drugs?

23 A. Yes, sir.

24 Q. And what drugs did you purchase?

25 A. I purchased methamphetamine.

1 Q. Now, when you purchased methamphetamine as a CI,
2 were you under the supervision, for lack of a better term,
3 of Mike Hall?

4 A. Yes.

5 Q. Now, you understood that you were not employed by
6 DCI; correct?

7 A. Yes.

8 Q. Let's talk about the first time you conducted a
9 controlled purchase of any drugs. Do you remember when that
10 was?

11 A. The beginning of November, I believe, of 2009.

12 Q. Do you recall if it was November 5th of 2009?

13 A. I think so.

14 Q. Okay. And tell us what happened.

15 A. We had it arranged to meet -- Rob had talked to me
16 to meet him in Basin at a gas station. And then there was a
17 local cop there, so he wanted me to follow him to another
18 gas station. And then we went to his house, and then we
19 went to the retirement center in Basin.

20 Q. Okay. And what happened at the retirement center?

21 A. We met behind the retirement center and did the
22 exchange.

23 Q. And when you say "we," who was there?

24 A. Rob and I.

25 Q. Okay. Do you know Rob's last name?

1 A. Velasquez.

2 Q. Now, if Robert Velasquez is in this courtroom
3 today, can you please indicate where and describe what he's
4 wearing.

5 A. Directly behind you in a tanner shirt, a
6 button-down.

7 MR. FUN: Let the record reflect the witness has
8 correctly identified the defendant, Robert Velasquez.

9 THE COURT: The record will so reflect.

10 Q. (By Mr. Fun) Ms. Riggs, did you know Robert
11 Velasquez prior to November 5th of 2009?

12 A. Yes, sir.

13 Q. How is it that you knew him?

14 A. A friend that I had graduated high school with was
15 dating him.

16 Q. So how long have you known Robert Velasquez?

17 A. Since I was about 15.

18 Q. Did you go to school with him?

19 A. No, sir.

20 Q. How is it -- had you previously obtained any drugs
21 from him?

22 A. Yes, sir.

23 Q. Prior to November 5th of 2009?

24 A. Yes, sir.

25 Q. Tell us briefly about that.

1 A. In high school we would party at his house.

2 Q. Okay. And where was his house at at this time?

3 A. In Greybull.

4 Q. And that's in Wyoming?

5 A. Yes, sir.

6 Q. When you were at his house partying in Greybull,
7 what type of drugs did you receive from Robert Velasquez?

8 A. Marijuana.

9 Q. Anything other than marijuana?

10 A. No.

11 Q. Do you recall in what quantities you received the
12 marijuana?

13 A. I couldn't say exact amount. I don't remember for
14 sure.

15 Q. Did you have to pay anything for it?

16 A. If we -- if we were partying, we would just smoke,
17 like all of us together.

18 Q. Okay. Now, you previously indicated that you had
19 never used any methamphetamine.

20 A. Correct.

21 Q. How did that -- how did it come about then leading
22 up to the November 5th of 2009?

23 A. Before I had gotten in trouble and gotten pulled
24 over and talked to Officer Hall, Rob and Melissa were in
25 Billings with me, and Rob basically asked me if I would want

1 to help him sell some stuff up in Montana, because I was
2 living in Billings at the time.

3 Q. Do you recall when that was?

4 A. Not the exact date.

5 Q. Do you remember the time --

6 A. In the -- in the fall.

7 Q. Okay. Do you remember the time -- the fall of what
8 year?

9 A. '09.

10 Q. So shortly before -- sometime before you were
11 stopped in October of '09?

12 A. Yes.

13 Q. Okay. Now, at the time you indicated that you were
14 living in Billings.

15 A. Yes, sir.

16 Q. And you met with Rob Velasquez and Melissa?

17 A. Yes, sir.

18 Q. And how do you know Melissa?

19 A. I went to high school with her.

20 Q. Okay. What was the relationship at that time
21 between Melissa and Rob?

22 A. They were together.

23 Q. Together meaning boyfriend/girlfriend or just --

24 A. Yes. Mm-hum.

25 Q. Do you know why they were in Billings?

1 A. I'm not for sure.

2 Q. Okay. Tell me how it is that you met up with Rob
3 and Melissa in Billings.

4 A. I think that Melissa called me or texted me and
5 said that she was in Billings because she knew that I lived
6 there. And then they were staying at a hotel, and I met
7 them at their hotel room.

8 Q. And when you met with them, what is it that Rob
9 told you or asked you?

10 A. We were in the car, and he -- I don't remember the
11 exact words he used. But he asked if I wanted to help him
12 sell some stuff up there.

13 Q. Was Melissa present?

14 A. Yes.

15 Q. Did she say anything?

16 A. Yes.

17 Q. What did she say?

18 A. She, basically, tried to stop him from saying it.

19 Q. What was Rob's reaction, if you can remember?

20 A. I don't remember exactly.

21 Q. What was your response?

22 A. I told him that I could maybe, but I wasn't really
23 for sure.

24 Q. Now, when he asked you if you could help him sell
25 some stuff, what is it that you understood that to mean?

1 A. Meth.

2 Q. Why meth?

3 A. I think he said something about sell some dope or
4 something like that.

5 Q. How would that have been different from marijuana,
6 say, for example?

7 A. Because you would say weed or pot.

8 Q. Okay. So he used a different term then?

9 A. Yes.

10 Q. Now, did you, in fact, sell methamphetamine for
11 Robert Velasquez?

12 A. Through Officer Hall?

13 Q. No, before November 5th.

14 A. No.

15 Q. So between the fall of '09 up to November 5th of
16 2009, did you obtain any methamphetamine from Robert
17 Velasquez?

18 A. No.

19 Q. Okay. So the November 5th, 2009, was the first
20 time that you obtained methamphetamine?

21 A. Yes, sir.

22 Q. And that was while you were a confidential
23 informant?

24 A. Yes, sir.

25 Q. Okay. Now, let me talk a little bit about the

1 November 5th, 2009. Where did this controlled buy take
2 place? What city?

3 A. Basin.

4 Q. And that would be Basin, Wyoming?

5 A. Yes, sir.

6 Q. Now, you indicated that you went to one location,
7 but a policeman was there?

8 A. Mm-hum.

9 Q. What was that first location?

10 A. Just a gas station.

11 Q. Did you see Robert Velasquez come to that gas
12 station?

13 A. I -- I don't remember for sure.

14 Q. How is it then that you ended up going to a
15 different location?

16 A. I believe he called me.

17 Q. Where did you go after the gas station?

18 A. We went to meet at another gas station down the
19 road, but he kind of just pulled over and called me.

20 Q. And what happened during that phone call?

21 A. He said to follow him to his house.

22 Q. And did you follow him to his house?

23 A. Yes, sir.

24 Q. And do you remember where his house was located?

25 A. On the out -- outskirts of Basin.

1 Q. Do you recall what the house looked like?

2 A. I don't remember exactly what the house looked
3 like. I remember like how we had to drive like down and
4 around through a bunch of trees.

5 Q. When you got to the house, what happened?

6 A. I followed him inside and went into the garage
7 right behind him.

8 Q. Was there anyone else there?

9 A. Someone was in the shower.

10 Q. Do you know who that was?

11 A. I assumed Melissa.

12 Q. What happened in the garage?

13 A. We discussed money and how much he was going to
14 give me.

15 Q. Tell me about what was discussed concerning the
16 money.

17 A. I don't remember exactly.

18 Q. Do you remember if Rob said anything to you?

19 A. I don't remember the exact detail.

20 Q. Do you remember how much methamphetamine you were
21 supposed to get?

22 A. Initially we had thought an ounce, but then I got
23 different -- like a smaller amount.

24 Q. Why is it that there was some initial thoughts of
25 an ounce?

1 A. I think when we had first talked about it, he had
2 said that he was going to get an ounce.

3 Q. Okay. Now, as you're discussing this with Rob in
4 the garage, was there anyone else present?

5 A. No.

6 Q. Do you recall if an individual by the name of Vance
7 Horton was present?

8 A. I don't believe he was right there.

9 Q. Do you recall how much methamphetamine you obtained
10 on that first occasion?

11 A. 7 grams.

12 Q. Did you pay anything for it?

13 A. Not at that time.

14 Q. Why didn't you pay anything for it at that time?

15 A. When we had first talked about it, I asked him.

16 And he said that he would front it to me, not to like -- we
17 didn't really discuss the money amount.

18 Q. What do you mean by the term "front to you"?

19 A. To give it without paying.

20 Q. And what were you going to do -- what were you
21 supposed to do with that methamphetamine?

22 A. Sell it.

23 Q. Was there discussions of that?

24 A. Yes.

25 Q. Tell us about that.

1 A. When we did the buy behind the retirement center,
2 he told me that there were seven there and not to mess with
3 it, like not to touch it. And then that I needed to bring
4 him back -- I think it was a little over a thousand.

5 Q. Now, when you say seven, seven what?

6 A. Grams.

7 Q. Of what?

8 A. Meth.

9 Q. Okay. And this conversation took place behind the
10 retirement center?

11 A. Yes.

12 Q. So between the house that you went to and the
13 retirement center, what happened?

14 A. I think I -- he told me to go up there because he
15 was taking Melissa to work, and I just waited.

16 Q. Okay. So you didn't get any methamphetamine while
17 you were at the house?

18 A. No.

19 Q. So that occurred behind the retirement center?

20 A. Yes.

21 Q. Okay. And where was the retirement center located?

22 A. In Basin.

23 Q. Did you drive there?

24 A. Yes, sir.

25 Q. And do you know how Robert Velasquez got there?

1 A. He was in a dark car, like a dark blue car.

2 Q. And when he arrives there, what do you do?

3 A. I went to get out of my car to get into his car,
4 but then he was out of the passenger side of that car and
5 got in my car.

6 Q. When he gets into your car, does he say anything?

7 A. He handed it to me and said, "There's seven."

8 Q. What is it that he handed to you?

9 A. A small package.

10 Q. Please describe for us what it looked like.

11 A. It was really small, like small enough to fit just
12 in my hand. And it was wrapped up tight, like in saran
13 wrap.

14 Q. Now, after he handed you this package, was there
15 any conversation?

16 A. He told me to have the -- I think it was 1,050 in
17 about a week and not to touch it.

18 Q. What was your understanding as to what he meant by
19 not touch it?

20 A. That it was ready to sell.

21 Q. Did you know how much you were supposed to sell
22 each gram bag for?

23 A. I asked, and he told me to sell it for 150.

24 Q. Why is it that you asked him?

25 A. Because I didn't know how much to sell it for.

1 Q. What happens after that?

2 A. He got back in the car, and then I drove back to
3 the meet spot to meet with the cops.

4 Q. And when you met with the cops, did you give them
5 anything?

6 A. Yes.

7 Q. What was it that you gave them?

8 A. The package that Rob had given me.

9 Q. Ms. Riggs, were you paid anything for that
10 particular -- on that particular occasion for conducting the
11 controlled buy?

12 A. I think so.

13 Q. Would it help if you saw something to refresh your
14 memory?

15 A. Yes.

16 Q. Ma'am, what I'm going to show you is what has been
17 marked Defense Renteria Exhibit B consisting of five pages.
18 Looking at that first page there --

19 A. Yes, sir.

20 Q. -- does it have a date?

21 A. Yes, sir.

22 Q. Okay. What date is that?

23 A. November 5th of 2009.

24 Q. Does it say how much you were paid?

25 A. \$120.

1 Q. Okay. Thank you, ma'am. Can you just hang onto
2 those for a minute. You can put them up on -- on the top
3 there.

4 Now, ma'am, what did you do with that \$120?

5 A. I used it for gas.

6 Q. And where did you have to travel from?

7 A. From Billings, Montana.

8 Q. Did you use your own vehicle?

9 A. Yes, sir.

10 Q. Other than \$120, were you paid anything else at
11 that time?

12 A. At that time, no.

13 Q. Did you have to take -- were you working at that
14 time?

15 A. Yes, sir.

16 Q. Did you have to take time off work?

17 A. Yes, sir.

18 Q. Were you paid by your employer for the time you
19 took off?

20 A. No, sir.

21 Q. I assume you had living expenses.

22 A. Yes, sir.

23 Q. Did DCI pay for any of your living expenses?

24 A. With the money that I was given, yes.

25 Q. Just the 120?

1 A. Yes.

2 Q. So you used some of that to pay living expenses?

3 A. Mm-hum.

4 Q. Ma'am, let me just ask you a few more questions
5 about that November 5th controlled buy.

6 A. Okay.

7 Q. Were you searched prior to meeting with Robert
8 Velasquez?

9 A. Yes, sir.

10 Q. Tell us about how you were searched.

11 A. I was searched in Powell, I think. That's
12 basically how it was. I was searched in Powell in a little
13 room by one of the women agents. And then when we got to
14 the meet point, like they have you meet before you go do the
15 buy, she searched me again. And then we did the buy. And
16 then after the buy, she searched me again.

17 Q. I don't want to -- I'm trying to think about how I
18 want to ask this question. I don't want to cause any
19 embarrassment.

20 A. Sure.

21 Q. Were you strip-searched, for lack of a better term?

22 A. I didn't remove clothing, but she felt my body.

23 Q. Okay. Did she check any body cavities?

24 A. No.

25 Q. Did you ever hide in a body cavity any

1 methamphetamine?

2 A. No.

3 Q. Okay. Now, you indicated that there -- when you --
4 once you got to the meet place in Basin, you were searched
5 again?

6 A. Yes, sir.

7 Q. Were you searched in the same manner?

8 A. Yes, sir.

9 Q. Do you know if your vehicle was searched as well?

10 A. I think so. I know that it was searched in Powell
11 at the office.

12 Q. Okay. Now, at the end of the controlled buy on
13 November 5th, after you met with law enforcement to provide
14 them the package, the 7 grams, were you searched then?

15 A. Yes, sir.

16 Q. In the same manner?

17 A. Yes, sir.

18 Q. Now, after November 5th, would there come another
19 occasion where you had some contact with Robert Velasquez?

20 A. Yes, sir.

21 Q. Tell us about that in brief.

22 A. We arranged to meet again.

23 Q. Okay. How is it that arrangement came about?

24 A. Through text.

25 Q. Ma'am, I'm going to show you what's been previously

1 admitted as Government's Exhibits 1303-A through 1303-O.

2 A. Okay.

3 Q. Ma'am, can you take a look at those and just let me
4 know, once you're done, if you recognize those.

5 A. Yes, sir.

6 Q. Okay. I'll retrieve those exhibits back from you.
7 Now, ma'am, are these the text messages that you received
8 from Rob Velasquez?

9 A. Yes, sir.

10 Q. How is it that you know that you had received these
11 from Robert Velasquez?

12 A. I had the number that he had given me saved in my
13 cell phone.

14 Q. Ma'am, was this your cell phone?

15 A. Yes, sir.

16 Q. Who paid the bill on this cell phone?

17 A. I did.

18 Q. Ma'am, I'm going to display a few of these on the
19 overhead here, and it will show up on the screen in front of
20 you.

21 A. Okay.

22 Q. I'm going to show you 1303-A. I'll zoom in just a
23 little bit there. Ma'am, can you see that?

24 A. Yes, sir.

25 Q. Okay. Who was that particular message from?

1 A. From Rob.

2 Q. Now, I'm looking at the very bottom. There's a
3 time and date stamp, 11:41 p.m., 6/11/09.

4 A. Yes, sir.

5 Q. Do you know what date that was?

6 A. It was the 6th of November.

7 Q. Why do you say that?

8 A. My phone had a weird date stamp that it did
9 backwards. I don't know the actual term for it.

10 Q. Okay. Now, you indicated that this message was
11 from Robert Velasquez?

12 A. Yes, sir.

13 Q. What did this message mean to you?

14 A. I took it as he needed the money because he had to
15 pay money tomorrow for a \$7,200 bill.

16 Q. Okay. And I'm going to skip ahead to Exhibit
17 1303-D. You received this message from Robert Velasquez?

18 A. Yes, sir.

19 Q. And what did it mean to you?

20 A. It was when I hadn't given him the money back yet,
21 and he started kind of freaking out.

22 Q. Okay. Exhibit 1303-F. Same thing, please tell us
23 what that meant to you.

24 A. That he was coming to Billings.

25 Q. 1303-G?

1 A. That he will find me.

2 Q. 1303-H?

3 A. It wasn't -- I wasn't responding, so he kept --

4 Q. 1303-I?

5 A. He was telling me that he knows where I worked.

6 Q. And do you know whether or not -- do you know

7 whether or not he knew where you were working?

8 A. Mm-hum. Yes, he did.

9 Q. Why do you think that?

10 A. From when he and Melissa were up in Billings

11 before.

12 Q. I'm going to skip ahead to 1303-K. What was going

13 on there?

14 A. I believe I told him that he had told me I had a

15 week.

16 Q. 1303-L?

17 A. He was on his way up and had passed Greybull.

18 Q. And then skipping ahead to 1303-N.

19 A. I think that was when -- after I had contacted him

20 after he was sending those texts, and I told him how he had

21 made me uncomfortable and kind of scared me.

22 Q. And the final one, which is 1303-O.

23 A. I think that was from the next one.

24 Q. Was that your message?

25 A. Yes. I sent that.

1 Q. And who did you send that to?

2 A. To Rob.

3 Q. And what were you trying to say to Rob? What were
4 you telling him?

5 A. That I was confused about amounts, because he gave
6 me 8 grams and told me at that time that two were for me and
7 that I owed him 900. But then he was telling me that I owed
8 him 950. Or I might have just got my numbers mixed up.

9 Q. Now, did there come a point in time when you paid
10 him the money from the 7 grams that were fronted on
11 November 5th?

12 A. Yes.

13 Q. Tell us how that came about.

14 A. I believe that's when we wired him the money.

15 Q. Do you recall if you met with him on November 9th?

16 A. Yes.

17 Q. Tell us about that.

18 A. November 9th we arranged to meet in Cody at the
19 Kmart.

20 Q. Okay. And how did that particular meeting come
21 about?

22 A. Via text again.

23 Q. Can you tell us about meeting with Robert Velasquez
24 on that day.

25 A. We went to Kmart parking lot, and then he was there

1 by himself, and I got in his car with him.

2 Q. What happened when you got into his car?

3 A. He gave me more.

4 Q. What more? What do you mean by more?

5 A. He gave me another bundle of meth, another package.

6 Q. Do you remember how much methamphetamine?

7 A. I believe it was 8 grams.

8 Q. And did you provide Robert Velasquez with any
9 money?

10 A. I think so.

11 Q. Do you recall how much you paid him on that
12 occasion?

13 A. I think that's when I owed him the 10 -- or 1,050.

14 Q. Now, when he gave you the 8 grams, was there any
15 discussion about how much money you were supposed to bring
16 back?

17 A. That was the time when he told me I was to keep two
18 for myself and then bring him back, I think, 900.

19 Q. Now, when he said keep two for yourself, what did
20 you understand that to mean?

21 A. I was assuming it was for the money, like to keep
22 that profit.

23 Q. Okay. So you were supposed to sell 6 grams and
24 then keep two of the grams?

25 A. Yes.

1 Q. And do you know how much you were supposed to sell
2 this methamphetamine for?

3 A. 150.

4 Q. Why is it that you think that?

5 A. Because that's what he told me the first buy.

6 Q. Okay. Did you talk to him about it on the second
7 buy?

8 A. No.

9 Q. Why not?

10 A. Because he made it clear to sell it for 150
11 previously.

12 Q. Did you need to ask him again how much to sell it
13 for?

14 A. No.

15 Q. Now, when he told you to pay him back \$900, was
16 there any discussion as to how you were supposed to pay him
17 back?

18 A. He said that he would either come up and get it or
19 I would wire it to him.

20 Q. What's your understanding of what is meant by
21 "wire"?

22 A. When you -- I don't know another word for it. When
23 you go to like The Money Center and MoneyGram maybe.

24 Q. After that particular controlled buy, what
25 happened?

1 A. We -- I went back to the meet point again.

2 Q. And did you provide the law enforcement with
3 anything?

4 A. Yes.

5 Q. What?

6 A. The package that Rob had given me.

7 Q. Please describe for us again how that particular
8 package was wrapped.

9 A. In a small bundle again.

10 Q. Now, similarly, I assume on November 9th, you were
11 searched again before and after the controlled buy.

12 A. Yes, sir.

13 Q. Were you paid anything for that controlled buy?

14 A. I don't remember for sure. I believe so.

15 Q. Okay. If you would just take a look at Defense
16 Exhibit B, which you still have, and I believe if you go to
17 the second page -- take a look at that and see if that
18 helps.

19 A. Yes.

20 Q. Okay. How much were you paid?

21 A. 50.

22 Q. And what's the date on that?

23 A. The 5th.

24 Q. I don't know if you can see it very well.

25 A. Am I looking at the wrong one?

1 Q. You might be. Take a look at the other pages and
2 see if that helps.

3 A. Oh, that was from January 5th. The date isn't
4 really clear. Okay. No, I wasn't paid at that time.

5 Q. What I'll do is I'll provide you with a cleaner
6 copy, and I'll mark that as a prosecution government's
7 exhibit.

8 A. I think the copy -- I have a copy dated the 17th
9 that refers to the 9th and the 17th.

10 Q. Just a moment, ma'am.

11 A. Okay.

12 Q. Ma'am, I'm going to hand you what I've marked as
13 Government's Exhibit 1412. Is that a little bit better,
14 easier to read?

15 A. Yes.

16 Q. Let me get back Exhibit B then from you. Again,
17 look at the second page. Does that help?

18 A. Yes.

19 Q. For that particular -- the November 9th, 2009,
20 controlled buy, were you paid on that day?

21 A. Not on November 9th.

22 Q. Were you paid later?

23 A. Yes.

24 Q. When were you paid later?

25 A. November 17th.

1 Q. And how much were you paid in total on
2 November 17th?

3 A. \$200 for both days.

4 Q. And what two days were you paid for?

5 A. November 9th and November 17th.

6 Q. Now, ma'am, when you met with Mr. Velasquez on
7 November 9th, do you recall the vehicle he was driving?

8 A. Yes.

9 Q. I'm going to show you a series of exhibits that
10 have been previously admitted, Exhibits 1400 through 1405-A.
11 Ma'am, do you recognize those photographs?

12 A. I do.

13 Q. I'm going to display at least two of them for you.
14 I'm displaying Government's Exhibit 1405. Ma'am, do you
15 recognize that?

16 A. I do.

17 Q. And whose vehicle is that?

18 A. Rob's.

19 Q. Ma'am, I'm going to show you 1405-A. Do you
20 recognize that photograph?

21 A. I do.

22 Q. And what's that a photograph of?

23 A. That's a photograph of me getting into Rob's car,
24 into the front passenger.

25 Q. Okay. So which one is Rob's car?

1 A. On the left.

2 Q. And so I assume that would be your car on the
3 right?

4 A. Yes.

5 Q. Thank you, ma'am. Now, ma'am, after this
6 particular controlled buy, do you recall what happened next?

7 A. We arranged to meet again.

8 Q. Did you ever pay Mr. Velasquez for the 8 grams?

9 A. Yes.

10 Q. Do you recall when that was?

11 A. I don't recall the exact sequence.

12 Q. Okay. Do you recall how -- if Mr. -- you and
13 Mr. Velasquez had contact again?

14 A. Yes.

15 Q. How is it that you ended up having contact with
16 him?

17 A. Through -- through text or call.

18 Q. Okay. Ma'am, I'm going to hand you what's been
19 previously admitted as 1411-A through 1411-N.

20 A. Okay.

21 Q. If you'd just take a look at those.

22 A. Yes.

23 Q. I'm going to retrieve those back from you. Ma'am,
24 do you recognize those?

25 A. I do.

1 Q. And what are they?

2 A. The texts between Rob and I about wiring him the
3 money.

4 Q. And did there come a point in time when you, in
5 fact, wired him money?

6 A. Yes.

7 Q. How did that come about?

8 A. He texted me and told me to wire it to him.

9 Q. How did you get the money?

10 A. From the DCI guy, the agent.

11 Q. Okay. So was it your money?

12 A. No.

13 Q. Now, prior to these text messages, were there any
14 phone calls?

15 A. Yes.

16 Q. Okay. And who was that phone call between?

17 A. Rob and I.

18 Q. Do you know whether or not -- excuse me. Let me
19 rephrase that question.

20 Do you know whether or not that phone call was
21 recorded?

22 A. Yes.

23 Q. Ma'am, let me hand you what's been previously
24 admitted as Exhibit 1410. Do you recognize that?

25 A. Yes.

1 Q. And what is it?

2 A. A recorded call between Robert and I.

3 Q. And you had an occasion to listen to that call?

4 A. Yes.

5 Q. Was that call accurately recorded on that
6 particular day?

7 A. Yes.

8 Q. How do you know that's the same call?

9 A. Because I know what I sound like on the phone.

10 Q. Okay. Is there any markings on that that indicates
11 to you that that is the same CD you heard?

12 A. I initialed it and dated it.

13 Q. Thank you. Now, tell us in general what that phone
14 call was about.

15 A. I don't remember the exact context.

16 Q. Do you recall if Robert Velasquez gave you some
17 instructions as to a name to wire it under?

18 A. Yes.

19 Q. After that was there any more conversation or
20 contact with Robert Velasquez?

21 A. Through the texts.

22 Q. Ma'am, I'm just going to show you a few of these.
23 I'm going to show you 1411-A. Is that one of the text
24 messages?

25 A. Yes.

1 Q. What's going -- what's your understanding as to
2 what's happening there?

3 A. He was asking me to make it soon to go wire in the
4 money.

5 Q. And then 1411-B.

6 A. That was me telling him I hadn't got the text.

7 Q. What text were you supposed to get?

8 A. Of who exactly to send the message to or the wire
9 to.

10 Q. 1411-C.

11 A. That was Rob telling me to send it to Vance Horton.

12 Q. And 1411-D.

13 A. And then he said, yes, to Cody, Wyoming, and to put
14 his phone number down.

15 Q. And I'm going to skip ahead to 1411-G.

16 A. That was after I had sent the money, and I told him
17 that they took some of it out -- some out of the thousand
18 for the fee, and then the reference number for the wire.

19 Q. While we're there, let me just briefly talk about
20 the actual wire transfer. Where did you transfer the money
21 to? Where did you go to make a wire transfer?

22 A. I went to The Money Center at the Wal-Mart.

23 Q. And did anyone go with you?

24 A. Yes.

25 Q. Who?

1 A. I forget his exact name, but the lead investigator
2 with DCI.

3 Q. Okay. So it was a DCI agent?

4 A. Yes.

5 Q. And what happened when you went to The Money
6 Center?

7 A. I just went to The Money Center, and the DCI agent
8 gave me the cash, and then I went to -- like I filled out
9 the paperwork and sent it.

10 Q. Okay. Ma'am, I'm going to hand you two different
11 exhibits. I'm going to hand you 1409, that's been
12 previously admitted, and have you take a quick look at that.

13 A. Okay.

14 Q. Do you recognize that, ma'am?

15 A. Yes.

16 Q. Okay. And what is that?

17 A. The receipt. A photocopy of the receipt from the
18 wire transfer.

19 Q. Let me now hand you Exhibit 1409-A. Do you
20 recognize that?

21 A. The actual copy of it, the original copy of it.

22 Q. How do you know that that's the original?

23 A. Because it has the blue ink. It's not like
24 photocopied.

25 Q. Does your signature appear on 1409-A?

1 A. Yes.

2 Q. Is that your signature?

3 A. Yes.

4 MR. FUN: Move to admit 1409-A, Your Honor.

5 MR. HORN: No objection, Your Honor.

6 THE COURT: Government's Exhibit 1409-A is
7 admitted.

8 (Government's Exhibit 1409-A received in evidence.)

9 MR. FUN: And for the record, Your Honor, it
10 consists of three stapled pages which appears to be a
11 Wal-Mart receipt -- two Wal-Mart receipts and then a
12 MoneyGram receipt.

13 Q. (By Mr. Fun) Ma'am, I'm just going to display the
14 MoneyGram receipt for a minute. Ma'am, I assume that
15 appears to be your signature in the bottom --

16 A. Yes, sir.

17 Q. -- there. Okay. And the information that's in
18 there that it was to Vance Horton, that was based upon what
19 Rob Velasquez told you?

20 A. Yes. That's who Rob told me to send it to.

21 Q. And in addition, I think on the right side here, on
22 the bottom right, right below the 940, there's a reference
23 number?

24 A. Yes.

25 Q. Did you subsequently have any communications with

1 Rob after you sent this wire transfer?

2 A. Yes. After I sent it, I told him that I had sent
3 it and gave him the reference number.

4 Q. Ma'am, I'm going to display for you Exhibit 1411-H.
5 Oops. Actually let me go back. 1411-G. Sorry. Is that
6 your text message to Robert Velasquez?

7 A. Yes.

8 Q. And what's going on there?

9 A. I had told him that I had sent it and that they
10 took money out for the fee to send it, and then the
11 reference number.

12 Q. Ma'am, I'm going to skip ahead a little bit to
13 1411-K. Did you have some more conversations via text with
14 Robert Velasquez?

15 A. That was in response to the text he had sent me.
16 And I told him that -- yes, and that I would see him Monday,
17 because we had it arranged. And I was asking him if he was
18 going to give me more than just a little bit.

19 Q. What did you mean by that?

20 A. If he was going to give me more meth.

21 Q. Why would you ask that?

22 A. Because we had still thought that he was going to
23 give us larger amounts.

24 Q. Okay. And then now go to 1411-L.

25 A. Mm-hum.

1 Q. Is that the response you got back?

2 A. Yes.

3 Q. 1411-M.

4 A. That was me asking him if he had picked the money
5 up yet.

6 Q. And then, finally, 1411-N.

7 A. And that was him responding that he was there.

8 Q. Now, ma'am, after you met with the DCI agent on
9 November 12th and wired this money, were you paid anything
10 on that day?

11 A. Yes. No. What date was that?

12 Q. November 12th.

13 A. No.

14 Q. Now, was there another -- a third controlled buy
15 that you were involved with?

16 A. Yes.

17 Q. And I believe you said that was the 17th of
18 November.

19 A. Yes, sir.

20 Q. Tell us about that.

21 A. That day we had arranged again to meet in Cody at
22 the Dollar Store. And I think Rob called me or texted me
23 and said that he had to drop Melissa off so she wouldn't see
24 and that he would be right there.

25 Q. Okay. Tell us what happened when you got to the

1 Dollar Store.

2 A. It was a really quick exchange. He pulled up next
3 to my car. I got in his car and got it and then got back
4 out, and he left.

5 Q. Okay. Do you recall how much methamphetamine you
6 obtained on that occasion?

7 A. I believe at that time it was 10 grams.

8 Q. Had there been some discussion before that about
9 quantities?

10 A. In -- like in the text?

11 Q. Yes, either text or by phone call.

12 A. When I texted him and asked him if he was going to
13 give me more than just a little.

14 Q. Was there any discussion, when Robert Velasquez
15 provided you this 10 grams, as to how much methamphetamine
16 there was there?

17 A. I think he told me there was 10.

18 Q. I guess that was a bad question. My question is,
19 how did you know there was 10 grams?

20 A. He told me.

21 Q. Was there any discussion about how much you were
22 supposed to pay?

23 A. Yes. I don't remember the exact amount.

24 Q. After you obtain -- well, let me just go back a
25 minute. How was this 10 grams packaged?

1 A. It was in a tight bundle like the previous two
2 times.

3 Q. Okay. After obtaining the substance from Robert
4 Velasquez, what did you do with it?

5 A. I put it in my pocket and left the car and then
6 went back to the meet point and gave it to DCI.

7 Q. Again, I assume before the controlled buy and at
8 the end you were searched?

9 A. Yes, sir.

10 Q. Were you paid anything on that occasion?

11 A. Yes, sir.

12 Q. And was that the \$200 you previously talked about?

13 A. Yes, sir.

14 Q. And that included the 9th of November and the 17th?

15 A. Yes.

16 Q. Now, where was -- where -- what city did this
17 controlled buy take place in?

18 A. In Cody again.

19 Q. Yep. You mentioned that. Sorry. Did there come a
20 point in time after that that you were involved with paying
21 Robert Velasquez --

22 A. Yes.

23 Q. -- for those 10 grams? Do you remember how that --
24 how that came about?

25 A. It was -- I think he texted me again.

1 Q. Okay. And what happened? How is it that you paid
2 him?

3 A. I sent a MoneyGram again.

4 Q. Okay. Now, ma'am, you mentioned there was some --
5 you had some text messages with him prior -- leading up to
6 that MoneyGram.

7 A. Yes, sir.

8 Q. Ma'am, I'm going to hand you Exhibits 1804-A to
9 1804-E.

10 A. Okay. I remember that.

11 Q. You recognize those?

12 A. Yes.

13 Q. And what are they?

14 A. Those are the texts between Rob and I about -- the
15 first one was about getting some more meth for my friend.
16 And then I told him not until I came down again, and then I
17 asked him who to send the money to.

18 Q. Now, again, was this on your phone?

19 A. Yes.

20 Q. Do these photographs accurately depict the text
21 messages as they appeared on your phone?

22 A. Yes.

23 MR. FUN: Move to admit 1804-A to 1804-E, Your
24 Honor.

25 THE COURT: Hearing no objections, Government's

1 Exhibits 1804-A through 1804-E are admitted.

2 (Government's Exhibit 1804-A, 1804-B, 1804-C, 1804-D
3 and 1804-E received in evidence.)

4 Q. (By Mr. Fun) Ma'am, I'm going to display some of
5 these. Let's take a look first at 1804-A. Again, just look
6 at the bottom, the date. I assume nothing has really
7 changed with your date there.

8 A. Mm-hum. Sure. Right.

9 Q. Look at that text message. What was your
10 understanding of what was happening?

11 A. He was asking me if I still wanted an 8-ball for my
12 friend.

13 Q. Okay. 1804-B.

14 A. And that was my response, and then asking who to
15 send the money to.

16 Q. 1804-C.

17 A. And he was asking if I remembered the last one,
18 like the last person I sent it to.

19 Q. Okay. 1804-D.

20 A. And that was me saying Vince Horton.

21 Q. And 1804-E?

22 A. And that was him correcting me on Vance's first
23 name.

24 Q. Ma'am, did you, in fact, wire money to Robert
25 Velasquez that day?

1 A. Yes, sir.

2 Q. And where did you get the money?

3 A. From the DCI agents again.

4 Q. Ma'am, let me show you what's been marked for
5 identification as 1802 consisting of two pages.

6 A. Okay.

7 Q. Do you recognize that, ma'am?

8 A. Yes, sir.

9 Q. What is it?

10 A. That's the receipt of the MoneyGram.

11 Q. How do you know it's the receipt?

12 A. Because that's what the receipt looked like from
13 the other one.

14 Q. Is it your receipt?

15 A. Meaning?

16 Q. Let me rephrase the question. Did you -- does your
17 signature appear on this receipt anywhere?

18 A. Yes. I filled that out.

19 Q. Is this a copy or the actual receipt?

20 A. That's a copy.

21 Q. How do you know that this is the copy that you had
22 previously seen? Do your initials appear on this receipt
23 anywhere?

24 A. Yes.

25 Q. Where?

1 A. On the bottom.

2 MR. FUN: Okay. Move to admit 1802, Your Honor.

3 MR. FLEENER: No objections.

4 THE COURT: Government's Exhibit 1802 -- that
5 exhibit is admitted, not hearing any objections from
6 counsel.

7 (Government's Exhibit 1802 received in evidence.)

8 Q. (By Mr. Fun) Ma'am, I'm displaying 1802. This was
9 the receipt that you used for the MoneyGram wire transfer?

10 A. Yes, sir.

11 Q. And that was to Vance Horton?

12 A. Yes, sir.

13 Q. Now, that was at the direction of Robert Velasquez?

14 A. Yes, sir.

15 Q. And for how much was it for?

16 A. \$1,000.

17 Q. And does your signature appear on the bottom? I
18 think you previously indicated that.

19 A. Yes, sir.

20 Q. Now, just briefly look at the second page. That's
21 just the Wal-Mart receipts related to that transaction?

22 A. Yes.

23 Q. Now, when you wired this money, was there someone
24 with you?

25 A. Yes.

1 Q. Who?

2 A. Officer Hall and, I think, the lead investigator.

3 Q. After November 21st, did you have any more contact
4 with Robert Velasquez?

5 A. Yes.

6 Q. Tell us what that is about.

7 A. I don't -- it wasn't much. It was spotty talking
8 about getting together again for more.

9 Q. Okay. Did you, in fact, get together later on with
10 Robert Velasquez?

11 A. Later on, yes.

12 Q. Tell us about that.

13 A. I believe it was in January.

14 Q. Okay. Do you remember when in January?

15 A. The beginning.

16 Q. The beginning of January?

17 A. (Nods.)

18 THE COURT: Ma'am, you need to answer orally. You
19 just nodded your head.

20 THE WITNESS: Okay.

21 Q. (By Mr. Fun) Just say yes or no.

22 A. Yes.

23 Q. Tell us what happened in January.

24 A. We arranged, I think through text or call, again to
25 meet in Powell.

1 Q. Okay. And did you, in fact, meet with Robert
2 Velasquez in Powell?

3 A. Yes.

4 Q. Tell us what happened.

5 A. We had it planned to meet at the IGA in Powell, and
6 I was waiting for him at the IGA. And I -- he either called
7 or texted and told me to go to Blair's. But the team was
8 already set up at IGA, so I told him to just go there.

9 And then he and Melissa were there and told me to
10 follow them to the gas station. And we were driving down
11 like the main street in Powell, and they turned, and then I
12 followed them again, and then we did the buy.

13 Q. And so where is it that you did the buy at?

14 A. On a side street in front of like a cleaning place.

15 Q. And on that occasion, do you know how much
16 methamphetamine you obtained from Robert Velasquez?

17 A. An 8-ball.

18 Q. How do you know it was an 8-ball?

19 A. Because that's what we had arranged.

20 Q. Did you pay Robert Velasquez any money on that
21 occasion?

22 A. I did.

23 Q. How much?

24 A. 400.

25 Q. Where did you get the money?

1 A. From the DCI agents.

2 Q. Now, let's talk about that particular transaction
3 in a little more detail. You mentioned in front of the
4 Kleen Kare place?

5 A. Melissa just pulled over on the side of the street,
6 and there was like a cleaning place there, yes.

7 Q. So did -- how is it that you got the
8 methamphetamine from Robert Velasquez?

9 A. Melissa -- the car had pulled over, and I pulled up
10 behind it. And then I got out and went to the passenger
11 side because I could see that Rob was on the passenger side.
12 And I opened the back door, but there was a bunch of stuff
13 in the car. So I just left the door open, and I just
14 squatted down there and got it.

15 Q. And when you say you got it, tell us how you got --

16 A. Rob reached behind the seat and handed it to me.
17 And then in the same hand, I put the money.

18 Q. Can you describe how -- what he handed to you?

19 A. What he handed to me?

20 Q. Yes.

21 A. A small bundle like the bundles were before.

22 Q. Can you describe how it was wrapped?

23 A. Tight, like in a little package.

24 Q. Did you have any conversation with Robert Velasquez
25 at that time?

1 A. Small chat. I think that was when he invited me --
2 he wanted me to stay the night with them because I think
3 they had just gotten a new house or something.

4 Q. Did you ever take him up on that offer?

5 A. I did not.

6 Q. And what happened right after that?

7 A. Right after that we went back to the meet point.

8 Q. And what happened at the meet point?

9 A. I was searched again, and then -- well, first I
10 handed -- I gave the drugs to Mike, and then I was searched
11 again.

12 Q. Now, were you paid anything for that particular
13 controlled buy?

14 A. I don't recall.

15 Q. Have you take a look at government's exhibit. Does
16 that help?

17 A. Yes, I was.

18 Q. How much?

19 A. \$50.

20 Q. Ma'am, I'm going to hand you three photographs,
21 they're Government's Exhibits 1502 to 1504 --

22 A. Okay.

23 Q. -- and have you take a look at that. Do you
24 recognize those?

25 A. I do.

1 Q. Are these photographs from the controlled buy from
2 January 5th of 2010?

3 A. Yes, sir.

4 Q. I will display for you 1502. Can you describe to
5 us -- there's a vehicle that's pointing forward. Whose
6 vehicle is that?

7 A. Rob's. Or -- sorry. The car on the left or the
8 car that's driving?

9 Q. Good clarification. The car on the left side of
10 the photograph.

11 A. The car on the left side was my car.

12 Q. And the vehicle on the right side?

13 A. Was Rob's.

14 Q. Okay. And you indicated on this particular
15 occasion Melissa was there?

16 A. Yes, sir.

17 Q. Who was driving the vehicle?

18 A. Melissa was.

19 Q. And so where was Rob Velasquez seated?

20 A. In the passenger seat.

21 Q. I'll do a close-up here. Now, you indicated that
22 this particular controlled buy took place in front of a
23 place called Kleen Kare?

24 A. Yes, sir.

25 Q. I will display for you what I've marked for

1 identification as 1503. Zoom out that. Is that the
2 location where this occurred?

3 A. Yes, sir.

4 Q. And do you know which one was Rob's vehicle?

5 A. Rob's vehicle is the Grand Prix where it looks like
6 maybe the back-up lights are on.

7 Q. Okay. And then, finally, Exhibit 1504. Okay. And
8 do you recognize that photograph?

9 A. Yes, sir.

10 Q. Okay. Do you see your vehicle there?

11 A. I do.

12 Q. Which one is it?

13 A. The Focus, the one on the right.

14 Q. It appears that there is someone on the passenger
15 side.

16 A. Yes, sir.

17 Q. Do you know who that was?

18 A. That was me squatting down.

19 Q. Ma'am, let me now just turn to a different topic.
20 You've indicated that you've previously known Robert
21 Velasquez for some time.

22 A. Yes sir.

23 Q. Did he ever talk about his affiliation with anyone
24 else?

25 A. Not really.

1 Q. Did he ever talk about whether or not he was a
2 member of a gang?

3 A. Yes.

4 Q. Tell us in general about that.

5 A. It wasn't detailed. It was always brief. But it
6 was a gang in California.

7 Q. How did that make you feel?

8 A. Uncomfortable.

9 Q. Did you ever tell -- did Robert Velasquez ever tell
10 you any stories about anything that happened in Fresno?

11 A. Not really.

12 Q. Let me refer you back momentarily for the -- to the
13 text messages that you received back in November --
14 November 6th and 7th. Do you recall those text messages?

15 A. Yes, sir.

16 Q. Do you recall that Robert Velasquez said he was
17 coming to Billings?

18 A. Yes, sir.

19 Q. How did that make you feel?

20 A. I was scared.

21 Q. Why were you scared?

22 A. Because he told me to say my prayers.

23 Q. Was there anyone else that you conducted controlled
24 buys from on behalf of DCI?

25 A. No, sir.

1 Q. Other than Robert Velasquez?

2 A. Correct.

3 Q. Do you recall any transactions involving John
4 Morgan?

5 A. Oh, yes, sir.

6 Q. Tell us about that in brief.

7 A. After the January buy, I did a buy with Johnny.

8 Q. Okay. And who is Johnny?

9 A. John Morgan, Melissa's brother.

10 Q. Do you recall what you obtained from John Morgan?

11 A. Meth.

12 Q. Do you remember how much?

13 A. I don't recall the amount.

14 Q. Do you remember if you were paid anything for that
15 controlled buy?

16 A. Yes.

17 Q. Do you remember how much you were paid?

18 A. I don't remember the exact amount.

19 Q. It may not be reflected on those exhibits. Let's
20 see. Let me show you page 5 of Defense Exhibit Renteria B
21 and just direct you to the third entry and see if that helps
22 refresh your memory.

23 A. Yes.

24 Q. Okay. Do you remember how much you were paid now?

25 A. I think it was 250.

1 Q. Thank you, ma'am. Let me retrieve those exhibits
2 back from you now. I'm retrieving back Defendants' Renteria
3 B as well as Government's Exhibit 1412.

4 Now, ma'am, in your discussions with Robert
5 Velasquez, have you ever known him to have a job?

6 A. No.

7 Q. Did he ever tell you if he had a job?

8 A. No.

9 Q. Did he ever say what he did for a living?

10 A. No.

11 Q. Did he ever indicate that he was in construction or
12 building houses?

13 A. No.

14 Q. Just a moment, please. Well, ma'am, let me just go
15 back for a minute, and I want to talk a little bit more
16 about the January 5th, 2010, controlled buy.

17 A. Okay.

18 Q. You indicated that you obtained an 8-ball.

19 A. Yes, sir.

20 Q. What's an 8-ball?

21 A. It's roughly 3-and-a-half grams.

22 Q. Is there a reference of what 8-ball means?

23 A. What do you mean?

24 Q. What does it mean? I know it's 3-and-a-half grams,
25 but is there a reference to what it is?

1 A. Drugs.

2 Q. Would you agree that it's roughly an eighth of an
3 ounce?

4 A. I -- yes.

5 MR. FUN: Thank you. I have nothing further.
6 Thank you, ma'am.

7 THE COURT: Thank you.

8 CROSS-EXAMINATION

9 Q. (By Mr. Horn) Ms. Riggs, do you know whether or
10 not the misdemeanor possession charge -- what the status of
11 that is right now?

12 A. No, sir.

13 Q. Is it still open, as far as you know?

14 A. Yes, sir.

15 Q. Have you been told that it's going to be dropped in
16 exchange for your test -- for your testimony?

17 A. No, sir.

18 MR. HORN: That's all I have, Your Honor.

19 THE COURT: Any other questions?

20 CROSS-EXAMINATION

21 Q. (By Mr. Timbers) Hi, Ms. Riggs.

22 A. Hi.

23 Q. I just have some questions. You've known Melissa
24 Morgan since high school?

25 A. Yes, sir.

1 Q. Okay. What is your knowledge of her involvement in
2 drug distribution?

3 A. She and I never fully discussed it. I don't -- so
4 I couldn't say if -- what she was doing exactly.

5 Q. Did you have any suspicions?

6 A. Yes, sir.

7 Q. Could you tell me what those suspicions were?

8 MR. FUN: Objection. Your Honor, calls for
9 speculation.

10 THE COURT: Sustained.

11 Q. (By Mr. Timbers) What sort of -- when you
12 talked -- did you ever talk to Melissa Morgan about drugs?

13 A. Yes.

14 Q. And could you -- what -- what did those
15 conversations entail?

16 A. Do you mean did we ever discuss it?

17 Q. Yeah. Yes.

18 A. Yes. We discussed it when we would be smoking
19 marijuana together.

20 Q. Okay. And when was the last time you smoked
21 marijuana with Ms. Morgan?

22 A. When Rob and Melissa were in Billings.

23 Q. Okay. On some of these transactions that you're
24 saying took place, Melissa was -- she was driving Rob?

25 A. In January she was.

1 Q. Okay. Is it your impression that she was involved
2 in that activity because she was driving?

3 MR. FUN: Objection. Calls for speculation.

4 THE COURT: Overruled. You may answer.

5 A. Can you repeat the question? Sorry.

6 Q. (By Mr. Timbers) I'm asking if it's your
7 impression that Melissa Morgan was involved in drug dealing
8 with Mr. Velasquez.

9 A. Just because she was driving?

10 Q. Well, if there's any other reasons -- if there's
11 any other facts you can point to, what your impression was.

12 A. Did you say distribution?

13 Q. Yes.

14 A. No.

15 Q. So she was just driving the car. And Velasquez, in
16 your opinion, was just -- was doing the deal?

17 A. Yeah.

18 Q. Okay.

19 A. Yes.

20 Q. All right. Do you know if -- well, do you have an
21 opinion as to whether or not she was actively involved in
22 Mr. Velasquez's drug dealing?

23 MR. FUN: Objection, Your Honor. Relevance. This
24 witness's opinion concerning Melissa Morgan is really
25 irrelevant to the issues that need to be determined.

1 THE COURT: I --

2 MR. FUN: This witness can testify to facts which
3 she saw, heard or witnessed, but not to what her opinion is.

4 MR. TIMBERS: Your Honor, you've allowed Mr. Fun to
5 ask her her feelings, her impressions with regard to her
6 feeling threatened. I think she could offer an opinion with
7 regard to whether or not Melissa Morgan was actively
8 participating in drug distribution.

9 THE COURT: Well, Mr. Timbers, I thought that she
10 had answered that question.

11 MR. TIMBERS: And I guess I was asking her to
12 articulate.

13 THE COURT: Maybe you could restate your question
14 because I don't have it clearly in mind.

15 MR. TIMBERS: Okay.

16 Q. (By Mr. Timbers) Actually, I think I'll just move
17 on.

18 A. Okay.

19 Q. When -- let's see. I think I --

20 MR. TIMBERS: May I approach, Your Honor?

21 THE COURT: Yes.

22 Q. (By Mr. Timbers) That's labeled Government Exhibit
23 1802.

24 A. Yes, sir.

25 Q. And down at the very bottom of that --

1 A. Yes, sir.

2 Q. -- you have your signature; correct?

3 A. Are we referring to my signature or my initials?

4 Q. Your signature at the very bottom.

5 A. Yes, sir.

6 Q. Sender's signature. And could you tell me the date
7 on that, the date directly to the right of your signature?

8 A. I believe November 21st of 2009.

9 Q. And why is it dated that way?

10 A. Because that was the day I sent it.

11 Q. Okay. And it's dated just the day that we as
12 Americans say, and so it's month, then date, then year?

13 A. It's dated month, date, year, yes.

14 Q. Okay. So it's 11 -- could you read the numbers
15 across?

16 A. 11/21/2009.

17 Q. Okay. Thank you. That exhibit is 1409; correct?

18 A. Yes, sir.

19 Q. Okay. And there I think the officer who was
20 directing you at that time -- the lead investigator,
21 correct, on this particular transaction?

22 A. I don't understand the question.

23 Q. Okay. You were -- that is a controlled buy where
24 you were sending -- you were supposedly sending money to
25 Mr. Velasquez; correct?

1 A. This says that I was sending it to Vance.

2 Q. Vance Horton, okay. And -- okay. So you were
3 sending money to Vance Horton. And if you could tell me --
4 I just have a question about -- it's your signature at the
5 bottom of that MoneyGram again; right?

6 A. Yes, sir.

7 Q. Okay. In that one, you're saying that that took
8 place on November 12th, 2009?

9 A. I'm not for sure.

10 Q. Okay. What are the -- next to your signature --
11 what are the numbers next to your signature?

12 A. 12/11/2009.

13 Q. Okay. So that would be the 12th of November 2009
14 or the -- you see, I guess I'm wondering in that particular
15 case, if you read that date, it would read as December 11th,
16 2009.

17 A. Yes.

18 Q. But on this other one, you've dated it the American
19 style. Why did you switch styles?

20 A. I -- I'm not for sure. I think maybe I just
21 flipped open my phone and looked at the date.

22 Q. Okay. That's exactly what I was wondering. Were
23 you -- were you aware of the drug distribution activity of
24 John Morgan?

25 A. At which point?

1 Q. Well, actually, when did you become aware of drug
2 distribution activity of John Morgan?

3 A. When I bought from him. I --

4 Q. I'm sorry. Go on.

5 A. I guess kind of before. I don't really understand.

6 Q. Okay. Yeah. When did you first become aware of
7 John Morgan dealing drugs?

8 A. I knew it in high school.

9 Q. You knew it in high school?

10 A. Yes, sir.

11 Q. What was he dealing in high school?

12 A. I don't know that I could say for sure because I
13 never -- I mean, there was rumors. It was a small town. We
14 heard, and I knew through Melissa, I guess.

15 Q. Okay. And what did Melissa say about John Morgan's
16 drug activity?

17 A. I don't recall exactly.

18 Q. Your best recollection.

19 A. It was known that he was into pills and weed.

20 Q. Okay. And when did -- when did you contact him in
21 2010 again?

22 A. I don't recall the exact date.

23 Q. Okay. And you were -- you were contacting him to
24 purchase methamphetamine?

25 A. Yes, sir.

1 Q. Okay. And why did you know he would be able to
2 sell you methamphetamine?

3 A. I don't recall if he had called me or texted me,
4 but I think it was through that.

5 Q. Were you in contact with Melissa to get in contact
6 with John Morgan?

7 A. I don't recall.

8 Q. Were you confident he'd be able to supply you with
9 methamphetamine?

10 A. Yes.

11 Q. And why is that?

12 A. We discussed it. I don't remember if we called or
13 texted. I think maybe both.

14 MR. TIMBERS: All right. No further questions.

15 THE WITNESS: Okay.

16 MR. TIMBERS: And I'll take that from you, if
17 that's okay. Thank you.

18 THE WITNESS: Thank you.

19 CROSS-EXAMINATION

20 Q. (By Mr. Fleener) Ms. Riggs, how are you?

21 A. Fine. Thank you. How are you?

22 Q. I'm well. My name is Tom Fleener. I'm a lawyer
23 from Laramie.

24 A. Okay.

25 Q. It's nice to meet you.

1 A. Nice to meet you.

2 Q. Ma'am, did you grow up in Basin/Greybull? Which
3 town? Cody? You went to high school with the Morgans?

4 A. Yes, sir.

5 Q. And what town was that?

6 A. In Basin.

7 Q. Okay.

8 A. Well, actually, Melissa went to high school there.
9 Johnny didn't.

10 Q. But you went to high school with Melissa?

11 A. Yes, sir.

12 Q. That was in Basin?

13 A. Yes, sir.

14 Q. And you guys graduated, I assume, in 2006?

15 A. She was a year ahead of me.

16 Q. So you were 2007?

17 A. Yes, sir.

18 Q. Were you and Melissa close?

19 A. Yes, sir.

20 Q. How close?

21 A. We referred to each other as best friends.

22 Q. Do you still refer to each other as best friends?

23 A. No, sir.

24 Q. What happened between you and Melissa?

25 A. I haven't spoke to her since -- I couldn't recall

1 the last date.

2 Q. More than a year?

3 A. Yes, sir.

4 Q. Were you speak -- were you actively speaking with
5 Melissa during your involvement with Mr. Velasquez?

6 A. Not really.

7 Q. What happened to you two?

8 A. I think we had just fallen apart.

9 Q. Did you approve of some of the activities she was
10 engaging in, involving herself in?

11 A. No, sir.

12 Q. Is it safe to say you observed her using a lot of
13 drugs?

14 A. In high school, yes.

15 Q. Hanging out with people that you probably didn't
16 approve of?

17 A. Yes, sir.

18 Q. Partying more than you think she should?

19 A. Yes, sir.

20 Q. Was -- and you guys were close at the time;
21 correct? I mean as she started -- as you started watching
22 these changes in her.

23 A. Yes, sir.

24 Q. Did you have a chance to talk to her about this
25 stuff?

1 A. Not really.

2 Q. She didn't want to talk too much about it, I
3 assume.

4 A. Not really.

5 Q. She would make up excuses and stories about where
6 she was and who she was hanging out with?

7 A. No.

8 Q. She just -- you guys just didn't talk much about
9 it?

10 A. Not really. She had said that she was with Rob and
11 had been working a lot, but that was basically it.

12 Q. Is it safe to say that you don't like Rob
13 Velasquez?

14 A. No.

15 Q. And --

16 A. Is it -- sorry.

17 Q. I'm sorry. Is it safe -- do you like Rob
18 Velasquez?

19 A. Yes.

20 Q. You do like him?

21 A. Yes.

22 Q. What do you like about Rob?

23 A. Rob was generally friendly. When he would take
24 Melissa and I out, he would pay for everything.

25 Q. And this is back when you and Melissa were still

1 friends?

2 A. In high school, yes.

3 Q. When you were -- you were pulled over -- I know
4 Mr. Horn asked you briefly. I want to focus a little bit on
5 exactly how you got involved with DCI.

6 A. Okay.

7 Q. You said you got pulled over, and you had a
8 misdemeanor marijuana ticket hanging around.

9 A. I got the ticket for that when I got pulled over,
10 yes.

11 Q. Your -- tell me about that incident. You were
12 pulled over. You had marijuana in your car, I assume.

13 A. Yes, sir. I was pulled over, and I had marijuana
14 in my car. And they ticketed me and arrested me.

15 Q. And at the same time they asked you if you wanted
16 to come talk to Agent Hall?

17 A. When I got to the Powell police department, the
18 officer who arrested me was talking to me and basically just
19 asked me what was going on and why I had it and if I was
20 smoking it. And then he asked me if I wanted to talk to
21 Officer Hall.

22 Q. Who first brought up Robert Velasquez, you or Agent
23 Hall?

24 A. I believe it was myself.

25 Q. How did the conversation go as to -- regarding how

1 you decided to -- to do a controlled buy or two for DCI?

2 Did Agent Hall say, "Do you want to do this?"

3 Did you say, "I know people who could help."

4 A. I told him that I had known people from the town
5 from when I was using.

6 Q. And he -- and then he asked you who, and you told
7 him --

8 A. Yes.

9 Q. -- what you knew?

10 A. Yes.

11 Q. And then he asked you, would you like to wear a
12 wire or do controlled buys, or something like that?

13 A. Yes.

14 Q. And at the time -- I believe you testified on
15 direct examination, ma'am, and please correct me if I'm
16 wrong, you were using drugs at the time.

17 A. When I --

18 Q. When you were -- were first approached by DCI.

19 A. Yes, sir.

20 Q. And the drugs were marijuana?

21 A. Yes, sir.

22 Q. Cocaine?

23 A. No, sir.

24 Q. You had not done cocaine?

25 A. I had tried it, but I wasn't using it.

1 Q. Had you used meth?

2 A. No.

3 Q. Have you ever used meth?

4 A. No.

5 Q. And you're sure?

6 A. Yes, sir.

7 Q. That marijuana ticket -- so you were pulled over.

8 It would have been sometime in late 2009?

9 A. In that fall, yes, sir.

10 Q. And that ticket still hasn't been disposed of?

11 A. No, sir.

12 Q. Are you hopeful that it goes away from testifying
13 today? Truthfully.

14 A. I'm hopeful that if I continue to live a clean life
15 that it will go away, yes.

16 Q. And that includes testifying today?

17 A. Yes.

18 Q. And when you originally -- when you testified on
19 direct examination, I believe Mr. Fun asked you if you had
20 been paid, and you said no. And then he went through an
21 exhibit with you. You have been paid money by DCI.

22 A. Yes, sir.

23 Q. How did you get into -- you said you did one
24 controlled buy with John Morgan?

25 A. Yes, sir.

1 Q. And how did that come about?

2 A. I think we arranged it through a text message or a
3 call.

4 Q. Had you been -- were you working with DCI at the
5 time, or is this something -- was it your idea, their idea,
6 or is it something that just sort of came up?

7 A. I think that while I had been working for DCI, I
8 think that Johnny had called or texted me or something. I
9 don't remember the exact detail. But it was while I was
10 working for DCI.

11 Q. One of your messages to Rob -- if I can find it, my
12 question would be a lot smoother, I promise you. Well, I'm
13 going to paraphrase it and see if you can recall the
14 message.

15 He had sent you a message, apparently, where it
16 said -- the message said something about not to touch it.

17 A. No, sir. That wasn't in text.

18 Q. That was in conversation?

19 A. Yes, sir.

20 Q. And you knew that not to touch it meant that it was
21 ready to sell?

22 A. Yes, sir.

23 Q. How did you know that?

24 A. From previously when I was using.

25 Q. Okay. And -- and I appreciate your response

1 because I -- well, strike that. Were you using or had you
2 sold drugs in the past?

3 A. Both.

4 Q. Okay. What drugs had you sold, ma'am?

5 A. Marijuana.

6 Q. And when you were selling the marijuana, how many
7 times had you sold marijuana?

8 A. I couldn't say for sure.

9 Q. Several?

10 A. Yes.

11 Q. More than ten?

12 A. Yes.

13 Q. More than a hundred?

14 A. No.

15 Q. And how old were you, ma'am, when you were selling?

16 A. 18 and 19.

17 Q. Were you selling in Basin? Greybull?

18 A. In Powell where I was going to college.

19 Q. Powell. Who were you selling to? I'm not asking
20 about names.

21 A. Other people that I knew.

22 Q. How did you get involved in selling marijuana?

23 A. People asked if I could get them some.

24 Q. And you knew where to get marijuana from?

25 A. Yes, sir.

1 Q. Where were you getting marijuana from?

2 A. Other people in Powell, or sometimes people in
3 Billings.

4 Q. Who were those people, ma'am?

5 A. Names?

6 Q. Yes.

7 A. I got it sometimes from a kid, Bryson, in college.
8 I got it from a girl, Karen, in Billings, or another guy,
9 Jimmy, in Billings.

10 Q. You were getting -- were you getting most of your
11 marijuana from Billings or from Powell?

12 A. Probably Billings.

13 Q. And you'd get marijuana from Billings, bring it
14 back and sell it to the college students?

15 A. Yes, sir.

16 Q. Did you finish college, or did you end up not?

17 A. I did not.

18 Q. What happened?

19 A. I couldn't afford to.

20 MR. FLEENER: Can I have a minute, please, ma'am?

21 THE COURT: Yes.

22 MR. FLEENER: May I have a second, please?

23 (Discussion off the record.)

24 Q. (By Mr. Fleener) Did you tell Agent Hall that you
25 were selling drugs?

1 A. Yes, sir.

2 Q. And you told him that prior to -- well, when did
3 you tell him that? Was that before or after you started
4 doing controlled buys?

5 A. It was at the initial meeting when I had first met
6 with him.

7 Q. Did he ask you about that or did you volunteer
8 that; do you remember?

9 A. I believe that I volunteered it.

10 Q. Are you sure?

11 A. Not positive, no.

12 Q. You recognize, don't you, that -- well, let me ask
13 you this. Selling -- selling drugs, do you -- I'm just
14 trying to make the question right.

15 Do you know that selling drugs could be a felony?

16 A. Yes, sir.

17 Q. And that's certainly one of your -- that was one of
18 your concerns when you're -- and I know you're wanting to
19 clean up your life and do things differently but --

20 A. Yes, sir.

21 Q. It's not just that you have a misdemeanor
22 possession charge. You also have told Agent Hall about
23 selling marijuana to people.

24 A. Yes, sir.

25 Q. And that concerns you because you know you can get

1 in big trouble for that.

2 A. Had I been caught, yes.

3 Q. Well, you actually admitted to a law enforcement
4 officer though. So it wouldn't take much to be charged.
5 You don't believe so, do you?

6 A. I didn't -- I didn't think that I could be charged,
7 I guess, for what I was telling him.

8 Q. When's the last time you've spoken with Agent Hall?

9 A. This morning.

10 Q. Did you prepare -- prepare for trial talking with
11 Agent Hall?

12 A. I met with him and Mr. Fun.

13 Q. And you talked about what was going to be --
14 questions that were going to be asked of you and what --

15 A. We looked over all the texts and pictures and
16 everything, yes.

17 Q. You prepared for -- you prepared to testify?

18 A. Yes.

19 Q. Did you ever sell marijuana to minors?

20 A. I don't believe so.

21 Q. Do you hope that with the living a good life,
22 including your testimony today, that not only will you not
23 be charged with the misde -- or the misdemeanor charge may
24 be dismissed against you, but you certainly won't be charged
25 for any of the selling of marijuana?

1 A. I hope not.

2 MR. FLEENER: May I have one second, please, Your
3 Honor.

4 (Discussion off the record.)

5 MR. FLEENER: Ms. Riggs, I appreciate your time.
6 Thank you.

7 THE WITNESS: Thank you.

8 MS. HIGHAM: Your Honor, I have no questions for
9 this witness. Thank you.

10 THE COURT: Thank you. Redirect?

11 MR. FUN: Yes. Just briefly, Your Honor.

12 REDIRECT EXAMINATION

13 Q. (By Mr. Fun) Ms. Riggs, I need to ask you some
14 more questions based upon what the defense attorneys have
15 asked you. Okay?

16 A. Okay.

17 Q. Now, ma'am, Mr. Fleener asked you questions about
18 not talking to Melissa for a long time.

19 A. Mm-hum.

20 Q. And -- well, just let me ask you. Were you
21 romantically involved with Robert Velasquez?

22 A. No.

23 Q. You indicated that you liked him. Were you
24 attracted to him?

25 A. No.

1 Q. Did you like him just merely because you were
2 friends in high school?

3 A. Yes.

4 Q. Do you have a grudge against Melissa Morgan?

5 A. No.

6 Q. Were you trying to steal Robert Velasquez away from
7 her?

8 A. No.

9 Q. Likewise, do you have a grudge against
10 Mr. Velasquez?

11 A. No.

12 Q. Now, ma'am, Mr. Fleener also asked you questions
13 about this misdemeanor possession in the fall of '09.

14 A. Yes, sir.

15 Q. Remember those questions, ma'am?

16 A. Yes, sir.

17 Q. Do you know whether or not that particular citation
18 has been dismissed without prejudice?

19 A. I'm not sure.

20 Q. Did you ever have to go to court on that ticket at
21 all?

22 A. I don't think so.

23 Q. Did you have to hire an attorney?

24 A. No, sir.

25 Q. Throughout this whole process, have you hired an

1 attorney?

2 A. No, sir.

3 Q. Likewise, when Mr. Fleener asked you questions
4 about selling marijuana -- do you remember that?

5 A. Yes, sir.

6 Q. And what quantities of marijuana did you typically
7 sell?

8 A. An eighth, which is an eighth of an ounce.

9 Q. Did you sell pounds of marijuana?

10 A. I don't believe so.

11 Q. And you indicated that mainly the people you were
12 selling to were people you were going to college with?

13 A. People that I was smoking with, yes.

14 Q. So you were using marijuana with them --

15 A. Yes.

16 Q. -- at the same time? Did you make any money at
17 selling marijuana?

18 A. Not really.

19 Q. Did you sell marijuana for any particular reason?

20 A. Money.

21 Q. What would you use the money for?

22 A. College.

23 Q. Were you using that money to buy more marijuana?

24 A. Yes.

25 Q. For yourself or for others?

1 A. Both.

2 Q. Is it fair to say that you were selling marijuana
3 to support your habit of marijuana use?

4 A. Yes.

5 Q. Mr. Fleener also asked you about using
6 methamphetamine; do you remember that?

7 A. Yes.

8 Q. And that you never tried methamphetamine?

9 A. Never.

10 Q. Never sold it?

11 A. I sold it -- do you mean --

12 Q. Did you ever sell methamphetamine?

13 A. No.

14 Q. How is it, then, you were able to obtain
15 methamphetamine from Robert Velasquez?

16 A. He offered it in the beginning. He asked me if I
17 could help him sell some.

18 Q. You didn't ask him, did you?

19 A. No.

20 Q. Mr. Fleener also asked you questions about telling
21 Mike Hall about your involvement with selling marijuana. Do
22 you remember that?

23 A. Yes, sir.

24 Q. Other than telling Agent Hall about selling
25 marijuana, were you aware of any other evidence against you

1 concerning that?

2 A. No.

3 Q. Mr. Fleener also asked you questions about meeting
4 with me and Officer Hall. Do you remember those?

5 A. Yes, sir.

6 Q. Did I ever put words in your mouth?

7 A. No.

8 Q. Did Agent Hall?

9 A. No.

10 Q. Did we ever tell you what to say?

11 A. No.

12 Q. Tell us generally what happened.

13 A. I first met with you last week, and we basically --
14 you just asked me to tell you my involvement and how this
15 all happened and what -- what happened, and then we looked
16 at the texts and the pictures and my statements.

17 Q. Okay. Did I tell you if there was anything that
18 was important in this particular case --

19 A. You said to always be honest.

20 Q. Would you falsify evidence to get your misdemeanor
21 ticket or your felony for distribution of marijuana to go
22 away?

23 A. No.

24 Q. Would you lie about it?

25 A. No.

1 MR. FUN: Nothing further.

2 MR. FLEENER: Your Honor, I have one or two
3 questions for recross based on what the Government asked.

4 THE COURT: That's fine, Mr. Fleener. You can
5 proceed.

6 (Discussion off the record.)

7 RECROSS-EXAMINATION

8 Q. (By Mr. Fleener) What came first, Mr. Velasquez
9 asked you about methamphetamine or you being arrested?

10 A. Rob asking me.

11 Q. How far in advance?

12 A. I couldn't give you the exact date that Rob and
13 Melissa were in Billings, but it wasn't super. I mean, I
14 think it was within a couple months.

15 Q. And this took place up in Billings?

16 A. Yes, sir.

17 Q. And how much marijuana have you bought and sold?

18 A. I couldn't tell you exact amounts.

19 Q. More than a pound?

20 A. I don't know that -- I don't know that I could say
21 that.

22 MR. FLEENER: Thank you, Your Honor.

23 THE COURT: Thank you.

24 MR. TIMBERS: Actually, I have some follow-up to
25 that.

1 THE COURT: All right. Thank you.

2 RECROSS-EXAMINATION

3 Q. (By Mr. Timbers) So your conversation with Rob and
4 Melissa happened in Billings before you get pulled over with
5 your minor in possession?

6 A. My --

7 Q. Before you get your ticket, you had the
8 conversation with Rob and Melissa?

9 A. Yes, sir.

10 Q. About dealing drugs?

11 A. Yes.

12 Q. Okay. Did you see -- okay. So after you get
13 your -- pulled over, you volunteer to DCI that you have this
14 information and maybe you can go into some sort of
15 arrangement to get rid of your minor in possession and wipe
16 your slate clean; correct?

17 A. I wouldn't say that it was an agreement to that.
18 When I met with Officer Hall, he basically asked me to tell
19 him what I was doing and amounts and what I was involved in.

20 Q. Okay. And how did the conversation turn to Robert
21 Velasquez and Melissa Morgan?

22 A. I had told him about when I had smoked with them.

23 Q. Did you offer to him that he had -- that Rob and
24 Melissa had discussed distributing methamphetamine?

25 A. Yes.

1 MR. TIMBERS: Thank you.

2 THE COURT: Thank you, Ms. Riggs. We appreciate
3 your time and testimony today. You're excused and released
4 from your subpoena.

5 THE WITNESS: Thank you.

6 (Witness excused.)

7 THE COURT: I think rather than start with a new
8 witness, this would be a good time to take an evening
9 recess. Members of the jury, please remember the admonition
10 that I have given you every day to not discuss this case
11 with anyone, to not conduct any research or to blog or text
12 or look on the Internet to find facts. All facts have to be
13 found from what you hear in the courtroom and what you see
14 in the courtroom and the evidence that's properly admitted.

15 I'd like to ask that you be ready to return to the
16 jury box tomorrow morning at 9:15. We'll start the day
17 tomorrow more consistent with our regular schedules. I
18 appreciate your patience today while we were sorting out
19 some matters and waiting to call you in.

20 With that, we'll stand in evening recess until call
21 tomorrow morning at 9:15.

22 THE CLERK: All rise.

23 (Following out of the presence of the jury.)

24 THE COURT: Is there anything counsel needs from
25 the court before we recess for the evening?

1 MR. FUN: Nothing from the United States, Your
2 Honor. Thank you.

3 THE COURT: Thank you.

4 MR. TIMBERS: Your Honor, I have received some DEA
5 information regarding Brittany Huntington who was to
6 testify. I've received nothing from Brian Goodby. I don't
7 know if that request was ever made.

8 THE COURT: What's the status of that, Mr. Fun?

9 MR. FUN: Are you talking about the spectra
10 analysis or --

11 MR. TIMBERS: Yeah. Yeah. His laboratory notebook
12 regarding how he tested, what he tested, how he got his
13 results.

14 MR. FUN: I can get with Mr. Goodby tonight since
15 I'll be meeting with him to go over testimony. We can ask
16 him about that, Your Honor.

17 THE COURT: All right. Thank you. Anything else?

18 MR. TIMBERS: No, Your Honor.

19 THE COURT: Hearing nothing, we'll stand in recess.
20 And I'd ask the attorneys be here a little bit before 9:15
21 so we can start tomorrow morning. Thank you.

22 (Trial proceedings recessed

23 4:54 p.m., October 3, 2011.)

24

25

C E R T I F I C A T E

I, MARGIE R. DAUSTER, Deputy Official Court Reporter for the United States District Court for the District of Wyoming, Registered Professional Reporter, and a Certified Realtime Reporter, do hereby certify that I reported by machine shorthand the foregoing proceedings contained herein on the aforementioned subject on the date herein set forth, and that the foregoing pages constitute a full, true and correct transcript.

Dated this 31st day of December, 2011.

/s/ Margie R. Dauster

MARGIE R. DAUSTER
Deputy Official Court Reporter
Registered Professional Reporter
Certified Realtime Reporter